

**MINNESOTA BOARD OF MEDICAL PRACTICE  
BOARD MEETING  
2829 UNIVERSITY AVE. SE  
MINNEAPOLIS, MN 55414-3246**

**JANUARY 10, 2009**

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, January 10, 2009, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Rebecca Hafner-Fogarty, M.D., MBA, President, Allen Rasmussen, Vice President, Alfred Anderson, D.C., M.D., Secretary, Keith Berge, M.D., Robert Brown, Ph.D., Jack Geller, Ph.D., Bradley Johnson, M.D., Ernest Lampe, II, M.D., James Langland, M.D., Tammy McGee, James Mona, D.O., Carl Smith, M.D., Gregory Snyder, M.D., Jon Thomas, M.D., MBA, and Linda Van Etta, M.D.,

**PUBLIC SESSION**

Roll call was recorded by Robert Leach, Executive Director.

The minutes of the November 8, 2008, Board meeting were received and approved as circulated.

Rebecca Hafner-Fogarty, M.D., MBA, presented two Board service plaques to Steven Altchuler, Ph.D., M.D. Dr. Altchuler served on the Board from 2000 - 2008. During his Board service, Dr. Altchuler served on all the Board's standing committees, chairing the Complaint Review Committee from 2003 - 2006. Dr. Altchuler also served as Vice President of the Board in 2005 and President in 2006. In addition, Dr. Altchuler was the board's representative to the Health Professionals Services Program Program Committee and in 2003 he served on the Federation of State Medical Boards' Program Committee and was elected to the Editorial Committee of the Federation of State Medical Boards in 2004.

Linda Van Etta, M.D., Chair of the Board's Taskforce on Continuing Competency and Maintenance of Licensure made a presentation that summarized the Taskforce's findings and conclusions to date.

Because of increasing concerns about physician competency over the past decade and the perceived need for physicians to provide enhanced demonstration of competency periodically during their careers, the Taskforce on Continuing Competency and Maintenance of Licensure was formed.

The Taskforce goals were to question whether the current requirement of 25 CME credits per year is an adequate demonstration of competency and, if not, then recommend an alternative way for licensees to demonstrate continuing competency.

The Taskforce felt that any new requirement should:

- Be available to all licensed physicians and osteopaths
- Acceptable to the public, regulators, and physicians
- Be practice relevant, fair, and validated
- Non-punitive
- Not onerous or duplicative
- Not dissuade physicians from practicing in Minnesota

Members of the Taskforce are:

Kathleen Brooks, M.D., MBA, MPA representing the Minnesota Medical Association.

David Feinwachs, JD, representing the Minnesota Hospital Association

Douglas Hiza, M.D., Vice President of Blue Cross/Blue Shield, representing insurance companies

Deborah Powell, Dean of the University of Minnesota, representing the University of Minnesota Medical School

Keith Stelter, M.D., MMM, President of the Minnesota Academy of Family Physicians, representing the specialties

Joseph Kolars, M.D., who replaced Dr. David Williams representing the American College of Physicians

Board members: Linda Van Etta, M.D., FACP, Chair,

Rebecca Hafner-Fogarty, M.D., MBA,

Jon Thomas, M.D., MBA,

Board staff: Richard Auld, Ph.D., Assistant Executive Director

Robert Leach, JD, Executive Director

Former members of the taskforce:

Steven Altchuler, M.D., Ph.D., former board member

Kelli Johnson, former board member

David Williams, M.D., previous representative of the American College of Physicians

Stephen Miller, M.D., former CEO of the American Board of Specialties

Dr. Van Etta thanked Dr. Ali Coulter, one of the Board's Medical Coordinators, for summarizing all of the Taskforce's minutes.

The Taskforce met on the following dates:

- August 22, 2006
- November 29, 2006
- February 28, 2007
- May 11, 2007
- September 5, 2007
- February 6, 2008
- June 5, 2008
- October 13, 2008

Outcomes of the Taskforce:

- Major stakeholder groups in Minnesota now share a common understanding of the current body of knowledge, limitations, and obstacles to moving to enhanced demonstration of continuing competency by physicians.

- Minnesota Board of Medical Practice is a recognized leader at the Federation of State Medical Boards' regarding the maintenance of competency/maintenance of license (MOC/MOL) issue and can continue to contribute to and mold future dialogue.
- A critically needed program for enhanced training of physicians already in practice is being developed at the University of Minnesota.

#### Recommendations of the Taskforce:

- No changes to the MOL requirements should be made at this time.
- Minnesota Board of Medical Practice should closely monitor and influence the ongoing MOL initiatives at the Federation of State Medical Boards.
- Eventually most, if not all, physicians will have time limited board certifications from the American Board of Medical Specialties (ABMS) or American Osteopathic Association (AOA) and will be enrolled in MOC programs resulting in enhanced demonstration of competency.
- The changes should be "evolutionary, not revolutionary."

On the suggestion of Dr. Hafner-Fogarty, Mr. Leach will contact the Federation of State Medical Boards, contingent on Dr. Van Etta's schedule, and inquire if Dr. Van Etta can be added to the schedule to do a similar presentation summarizing the Taskforce findings to attendees of the Federation of State Medical Boards' Annual meeting.

A lengthy question and answer followed.

Dr. Van Etta stated that the Taskforce will now meet on an as needed basis. Dr. Van Etta stated that she will send out letters to each of the taskforce members thanking them for their services and informing them that Dr. Hafner-Fogarty will convene the Taskforce to meet if there are developments that need their attention.

Dr. Hafner-Fogarty thanked Dr. Van Etta, on behalf of the Board, for her persistence, vision, and leadership in forming the Taskforce and believes that Dr. Van Etta has been a significant factor in making the Taskforce successful.

Dr. Van Etta informed board members that if they would like to review the Competency Taskforce materials in its entirety to contact Mr. Leach.

On recommendation of the Licensure Committee, physician applicants 1 – 94 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 95 - 99 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 100 - 105 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainer Advisory Council, athletic trainer applicants 106 - 113 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 114 - 126 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Respiratory Care Practitioner Advisory Council, respiratory care practitioner applicants 127 - 143 were approved for registration subject to the receipt of verification documents.

On recommendation of the Traditional Midwifery Advisory Council, traditional midwife applicant 144 of the agenda was approved for licensure subject to receipt of all verification documents.

The minutes of the December 11, 2008, meeting of the Licensure Committee were received and approved as circulated.

A motion was made and passed unanimously to reappoint Ms. Debra Weiss as the acupuncturist member and Michael Green, M.D., as the physician member to the Acupuncture Advisory Council.

Allen Rasmussen, Acting Chair of the December 22, 2009, Policy and Planning Committee meeting, presented the December 22, 2008, Policy and Planning Committee Meeting Agenda.

Mr. Rasmussen stated that at the December 22, 2009, Policy and Planning Committee meeting, Walter Rothwell, PA-C, of the Minnesota Academy of Physician Assistants, gave a presentation regarding proposed physician assistant legislation. Mr. Leach stated that there were some minor language changes that the Committee requested and which the physician assistants agreed to incorporate into their revised bill. Mr. Leach stated that the two main changes with the physician assistant bill are:

1. Request licensure instead of registration.
2. Request that the number of physician assistants which a supervising physician can supervise increases from two to five.

The Committee recommends that the board take a neutral position on the physician assistant legislation, pending the review of the final version of bill from the Revisers Office. The board unanimously passed a motion to remain neutral on the physician assistant legislation.

Mr. Rasmussen informed the board that the Committee discussed Senator Vandever and Representative Dettmer's Lyme disease legislation that will be once again introduced without including provisions for a Minnesota funded study. The Committee recommends that the board opposes Senator Vandever's proposed legislation. Motion was made and passed unanimously to oppose Senator Vandever's Lyme disease legislation. Mr. Leach stated that board staff will write a letter to Dr. Vandever and Representative Dettmer to inform him that the board opposes the current proposed legislation on Lyme disease.

Mr. Rasmussen stated that the Committee reviewed the draft Mission and Responsibility Statement for the Policy and Planning Committee and requested additional items from the Board's Strategic Planning Process, including:

- The board's website
- The board's form correspondence
- New board member orientation

- Strategic planning
- Liaison to the legislature
- Liaison to other boards

Staff is currently working on a redraft of the Mission and Responsibility Statement for the Committee.

Mr. Rasmussen informed the board that the Policy and Planning Committee discussed the board's public service announcement and advertising campaign history, which included the State Fair Booth and most recently, public service announcements with Minnesota Public Radio. The Committee also discussed the possibility of placing ads in Health Care News, a publication by Minnesota Physician, which is aimed at healthcare consumers, primarily in the metro area. The Committee recommends that the board discontinue its public service announcements with Minnesota Public Radio when the current contract expires and do no outreach of this type and reassess the issue in a year, considering any change in board website hits. After board discussion, the board unanimously voted to accept the Policy and Planning Committee's recommendation.

Mr. Leach stated that Committee discussed the Board of Podiatric Medicine's possible proposal to place Podiatrists under the jurisdiction of the Board of Medical Practice through legislation. Mr. Leach stated that this proposal was prompted by the forthcoming retirement of their current Executive Director and cost concerns. Mr. Leach stated that the Board of Podiatric Medicine is in favor of this proposal but they need to get the approval of their professional association. Mr. Leach stated that there isn't any additional information since the Policy and Planning Committee meeting. The Committee recommends that the Board take a neutral position on this proposal. After board discussion, the board unanimously voted to accept the Policy and Planning Committee's recommendation.

The board took a 5 minute break.

Dr. Hafner-Fogarty stated that on December 17, 2008, the Federation of State Medical Boards' requested member boards comments on their Policy on Telemedicine. The deadline for the comments is January 23, 2009. Dr. Hafner-Fogarty directed board member to the proposed Federation's working definition of telemedicine:

"Telemedicine" is the practice of medicine using electronic communication, information technology or other means between a physician in one location and a patient in another location with or without an intervening health care provider.

After board discussion, the board members did not have any comments to forward to the Federation of State Medical Boards regarding their proposed Policy on Telemedicine.

The board discussed educational components for board meetings in 2009. Mr. Leach stated that the Minnesota Psychiatric Society and the Health Professional Service Program will give presentations at the March 7, 2009, board meeting. The Attorney General's Office will do a presentation at the September 12, 2009, board meeting. Suggestions for presentations were:

- Overview of various drug testing and compliance testing products and their limitations, for alcohol and other drugs, and what is on the horizon.
- Dr. Berge offered to do a presentation on the implications of the addictive anesthesia care provider.
- Presentation by Resurrection Behavioral Health (formally Rush Behavioral Health).

- Presentation on the State Health Care Taskforce regarding workforce shortage and the Governor's Taskforce.
- Sante Center for Healing.

Mr. Leach informed Board members that the annual meeting of the Federation of State Medical Boards will be held April 30 – May 2, 2009, in Arlington, VA at the Hyatt Regency Crystal City Hotel and instructed the Board on the reservation procedures. All board members present at the board meeting, with the exception of board members whose board term expires in 2009, indicated that they will attend the annual meeting at the FSMB.

Mr. Leach informed the Board of the 2009 Board Committee appointments. They are as follows:

#### COMPLAINT REVIEW COMMITTEES

A.

James Mona, DO., Chair  
Ernest Lampe, II, MD  
Tammy McGee

B.

Alfred Anderson, DC, MD, Chair  
James Langland, MD  
Allen Rasmussen

#### LICENSURE COMMITTEE

Brad Johnson, MD, Chair  
Keith Berge, MD  
Jack Geller, Ph.D.  
Gregory Snyder, MD  
Jon Thomas, MD, MBA, Replacement

#### POLICY AND PLANNING COMMITTEE

Tammy McGee, Chair  
Robert Brown, Ph.D.  
Kelli Johnson, Replacement  
Allen Rasmussen  
Carl Smith, MD, Replacement  
Greg Snyder, MD  
Linda Van Etta, MD, Replacement

#### HPSP PROGRAM COMMITTEE

Rebecca Hafner-Fogarty, M.D., MBA

Dr. Hafner-Fogarty requested board members take on additional designated licensees from retiring board members and also to try to schedule meetings with their designated licensees around committee and board meetings.

The Board was informed of two Corrective Action Agreements introduced since the last Board meeting.

Dr. Hafner-Fogarty thanked Drs. Smith, Thomas, and Van Etta for their service, dedication, hard work, and friendship.

End of Public Session.

## **EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Rebecca Hafner-Fogarty, M.D., MBA, President, Allen Rasmussen, Vice President, Alfred Anderson, D.C., M.D., Secretary, Keith Berge, M.D., Robert Brown, Ph.D., Jack Geller, Ph.D., Bradley Johnson, M.D., Ernest Lampe, II, M.D., James Langland, M.D., Tammy McGee, James Mona, D.O., Carl Smith, M.D., Gregory Snyder, M.D., Jon Thomas, M.D., MBA, and Linda Van Etta, M.D.,

### **ROBERT D. ABY, MD**

On recommendation of the Complaint Review Committee, the license of Dr. Aby was reinstated.

### **PATRICIA A. ALLEN, DO**

On recommendation of the Complaint Review Committee, the Stipulation and Order for restricted license signed by Dr. Allen was approved.

### **DR. RICHARD J. BANCHS**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. Banchs was approved. Dr. Linda Van Etta recused.

### **BRADLEY R. BANGTSON, MD**

On recommendation of the Complaint Review Committee, the Stipulation and Order for restricted license signed by Dr. Bangtson was approved.

### **STEVEN A. ERLEMEIER, MD**

On recommendation of the Complaint Review Committee, the Stipulation and Order for indefinite suspension signed by Dr. Erlemeier was approved. Dr. Linda Van Etta recused.

### **ROBERT E. MCCLAUGHLIN, RCP**

On recommendation of the Complaint Review Committee, the registration of Mr. McLaughlin was reinstated.

### **BARRY J. MACE, RCP**

On recommendation of the Licensure Committee, the registration of Mr. Mace was reinstated.

### **BHUPINDER SINGH, M.B., B.S.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for restricted license signed by Bhupinder Singh, M.B., B.S., was approved.

### **JAMES E. SURDY, MD**

On recommendation of the Complaint Review Committee, the license of Dr. Surdy was reinstated.

### **BRIDGET M. TIERNEY, PA**

On recommendation of the Complaint Review Committee, the Stipulation and Order for restricted registration signed by Ms. Tierney was approved.



There being no further business, the meeting was adjourned.

A handwritten signature in dark ink, appearing to read 'Alfred Anderson', is written over a horizontal line.

Alfred Anderson, DC, MD  
Secretary  
MN Board of Medical Practice

February 13, 2009  
Date